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France: Not forgotten: Fifth anniversary of Lamine Dieng's death during arrest

This past weekend marked the fifth anniversary of Lamine Dieng's death during his arrest in Paris during the early hours of 17 June 2007. Lamine Dieng, a Frenchman of Senegalese origin, was 25 years old when he died. His family and their supporters organized a march in his memory on 16 June 2012 in the 20th neighbourhood (arrondissement) of Paris. Five years on, although an investigation is ongoing, full accountability remains lacking. His family, like others who have sought accountability for deaths in police custody, often feel shut out of the judicial process. The fifth anniversary of Lamine Dieng's death is a continuing reminder of the failure to bring law enforcement officers accused of serious human rights violations to justice, and a testament to the courage and determination of his family, who like others, despite the many obstacles, continue to pursue truth and justice for those they have lost.

At around 4am on 17 June 2007, three police officers arrived at rue de la Bidassoa in the 20th arrondissement in Paris in response to a phone call claiming that an altercation was taking place in a hotel on that street. According to the opinion (No. 2007-83) issued by the National Commission on Police Ethics (Commission nationale de déontologie de la sécurité, CNDS), then the police oversight mechanism, on Lamine Dieng's case in April 2008, the three police officers found him barefoot, lying under a car. The police officers claimed that Lamine Dieng was very agitated and started to climb out from under the car and they tried to restrain him. They said he resisted and shoved all three of them, and they called for reinforcements. Two other police officers arrived within minutes, followed later by a further two (a captain and a lieutenant). Lamine Dieng was restrained face down by five police officers, his hands handcuffed behind his back (his right arm over his shoulder) and a strap placed around his feet. He was then transferred into a police van where he was placed in the same position. According to the opinion of the CNDS he was restrained by four police officers who held him down by his shoulders, chest and legs. The captain realized that Lamine Dieng had stopped moving, and then the firemen and emergency medical services arrived. They tried in vain to resuscitate him, and at 5:15am Lamine Dieng was declared dead.

In its opinion, the CNDS stated unequivocally that the "inadequate restraint" had caused Lamine Dieng's death. However, to Amnesty International's knowledge no disciplinary proceedings have to date been initiated against the police officers who restrained Lamine Dieng and they are still in office.

Lamine Dieng's family was not notified of his death until 36 hours after the fact when at 5:30pm on 18 June 2007 his youngest sister received a phonecall from the internal inspectorate tasked with investigating possible misconduct by law enforcement officials based in Paris (the Inspection Générale des Services, IGS), while she was alone in the family home. The officer informed her that her brother had died in an accident. She asked for more information but he replied that she and her family should go to the IGS the following morning and that they would receive more details then. Lamine Dieng's father and brother went to the IGS anyway as soon as they heard the news, but they were told to come back the next day. When Lamine Dieng's family went to their appointment at the IGS, they describe how they were told by the police superintendent (Commissaire Principal) that Lamine had been drinking and taking drugs and that he died naturally from a heart attack in the police van.

The original autopsy conducted on 18 June 2007 had concluded that Lamine Dieng's death was due to intoxication, and a toxicology report conducted two days later found cannabis and cocaine in his body. However, a second autopsy conducted in July 2007 at the family's request concluded that Lamine Dieng had died of asphyxiation due to aspiration of gastric contents in the entire respiratory tract while the face was against the ground with pressure on the top of the head; while he was in a state of intoxication. In addition another toxicology report, conducted on 25 October 2007, concluded that his death could have been due to multiple factors and that while the strong dose of cocaine and cannabis were not the first cause of death, they "greatly facilitated" it.

When the family went to the Medico Legal Institute (Institut Medico Legal, IML) to see the body, they could only see it in another room and through a window, and they could only see his face as there was a bandage on his head and his body was covered by a sheet. Lamine's sister, Ramata, told Amnesty International she remembered seeing bruises on his face and lips. Lamine Dieng's sisters told Amnesty International that the family had requested to practice a ritual cleaning of the body (toilette mortuaire), but that they were not authorized to do so. "For my father, it was the last thing he could do for Lamine, as his father", Ramata Dieng told Amnesty International. "Frustration, anger, impotence. We really felt dispossessed, treated like we were less than nothing. Lamine was not respected while he was alive, and his body was not respected either. And neither were we. Our pain was met with inhuman contempt."

On 22 June 2007, Lamine Dieng's family filed a complaint as a civil party at the Tribunal de Grande Instance de Paris.

Five years on, the investigation is still ongoing, and Lamine Dieng's family continues to wait to know what happened and for justice to be done.

Background

The case of Lamine Dieng is one of five cases of deaths in police custody documented in the Amnesty International report "*Our lives are left hanging: Families of victims of deaths in custody still wait for justice to be done*" published in November 2011, which reflect systemic shortcomings of investigations and lack of accountability in such cases. The report followed up on Amnesty International's previous research on these issues, by focusing specifically on the impact of deaths in police custody and of the lack of accountability for the victims' families. All five cases in the report concerned persons from ethnic minorities: one French citizen of Senegalese origin and four foreign nationals from Mali, Tunisia, Algeria and Morocco. Although persons of different ages, social backgrounds and nationalities are victims of human rights violations by law enforcement officials, the overwhelming majority of the cases brought to Amnesty International's attention concern persons belonging to ethnic minorities. There are no official statistics on the ethnic composition of the population of France and disaggregated data on policing despite specific recommendations by international human rights bodies for that data, but discriminatory conduct by law enforcement officials towards persons belonging to ethnic minorities has been alleged in many cases brought to Amnesty International.

Publications

France: The European Committee for the Prevention of Torture calls for "zero tolerance" of ill-treatment (AI Index: EUR 21/005/2012)
<http://www.amnesty.org/en/library/info/EUR21/005/2012/en>

France: Open letter regarding cases of deaths in police custody (AI Index: EUR 21/004/2011)
<http://www.amnesty.org/en/library/info/EUR21/004/2011/en>

France: "Our lives are left hanging": Families of victims of deaths in custody wait for justice to be done (AI Index: EUR21/003/2011)
<http://amnesty.org/en/library/info/EUR21/003/2011/en>

France: Committee against Torture urges France to investigate allegations of ill-treatment by law enforcement officials (AI Index: EUR 21/003/2010)

<http://www.amnesty.org/en/library/info/EUR21/003/2010/en>

France: Briefing to the UN Committee against Torture (AI Index: EUR 21/002/2010)

<http://www.amnesty.org/en/library/info/EUR21/002/2010/en>

Public outrage: Police officers above the law in France (AI Index: EUR 21/003/2009)

<http://amnesty.org/en/library/info/EUR21/003/2009/en>

France: The Search for justice (AI Index: EUR 21/001/2005)

<http://amnesty.org/en/library/info/EUR21/001/2005/en>

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